

FILED

AUG 28 2020

In the Iowa Supreme Court

CLERK SUPREME COURT

In the Matter of Adoption of)
Amendments to Registration of)
House Counsel Rule 31.16 and)
CLE Requirement Rule 41.3(3))
Order

The Iowa Supreme Court adopts amendments to Iowa Court Rule 31.16 concerning house counsel registration and client security fund assessments, and the court adopts amendments to Iowa Court Rule 41.3(3) concerning unmoderated legal education credits. The amendments are provided with this order and are effective immediately.

Registration of house counsel

The court invited public comment on the proposed amendments to rule 31.16 and has reviewed the comments received. After further consideration and discussion during the court's Administrative Term, the court adopts amendments to rule 31.16 that include removing the five-year limitation on house counsel registration status and making house counsel attorneys' client security fund assessments consistent with other Iowa attorneys and consistent with how other jurisdictions treat house counsel registrants.

In all, the following provisions of Iowa Court Rule 31.16 are amended or renumbered or both:

- Rule 31.16(3) *Scope of authority of registered lawyer* (amended)
- Rule 31.16(6) *Reinstatement* (amended)
- Rule 31.16(7) *Reapplication* (new)
- Rule 31.16(8) *Sanctions* (renumbered)
- Rule 31.16(9) *Court's discretion* (renumbered and amended)
- Rule 31.16(10)(a) *Duration of registration—credit toward admission on motion* (renumbered and amended)
- Rule 31.16(11) *Lawyers registered under prior version of this rule* (renumbered and amended)
- Rule 31.16(12) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the*

Central Collection Unit of the Iowa Department of Revenue (renumbered)

- Rule 31.16(13) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission (renumbered)*
- Rule 31.16(14) *Denial of application or suspension of registration for failure to comply with a support order (renumbered)*

Unmoderated legal education


On May 22, 2020, the supreme court issued a comprehensive order broadly addressing Iowa Judicial Branch operations in response to the continuing spread of Covid-19. The May 22 order maintained many provisions of prior pandemic supervisory orders, including the temporary lifting of the six-hour cap on unmoderated CLE credits as set forth in Iowa Court Rule 41.3(3) for the 2020-2021 reporting period.

Upon further consideration, the court hereby permanently removes the cap on unmoderated legal education accredited by the Commission on Continuing Legal Education. Rule 41.3(3), in chapter 41 of the Iowa Court Rules, Continuing Legal Education for Lawyers, is stricken.

The amendments to Iowa Court Rule 31.16 provided with this order and the removal of rule 41.3(3) from chapter 41 of the Iowa Court Rules are effective immediately.

Dated this 28th day of August, 2020.

The Iowa Supreme Court

By 
Susan Larson Christensen, Chief Justice

Copies to:

Iowa Supreme Court
Iowa Court of Appeals
Chief Judges
Senior Judges
District Court Judges
District Associate Judges
Judicial Magistrates
District Court Administrators
Clerks of Court
Chief Juvenile Court Officers
Association of Corporate Counsel - Iowa Chapter
Clerk of the Iowa Supreme Court
Counsel to the Chief Justice
Creighton Law School
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Iowa Academy of Trial Lawyers
Iowa Association for Justice
Iowa Association of Counties
Iowa Association of Criminal Defense Lawyers
Iowa Attorney General's Office
Iowa Clerks Association
Iowa County Attorneys Association
Iowa Court Reporters Association
Iowa Defense Counsel Association
Iowa Department of Corrections
Iowa Department of Public Safety
Iowa Judges Association
Iowa Judicial Branch - Director of Finance
Iowa Judicial Branch - Director of Governmental Affairs
Iowa Judicial Branch - Director of Information Technology
Iowa Juvenile Court Services Association
Iowa League of Cities & Iowa Municipal Attorneys Association
Iowa Legal Aid
Iowa Magistrates Association
Iowa Organization of Women Attorneys
Iowa Police Chiefs Association
Iowa State Police Association
Iowa State Sheriffs and Deputies Association
Legislative Services Agency
LexisNexis
National Bar Association - Iowa Chapter
Office of Professional Regulation
Polk County Bar Association
Public Defenders Association of Iowa

State Court Administrator
State Public Defender
The Iowa State Bar Association
Thomson Reuters (Westlaw)
University of Iowa College of Law

August 2020

CLERK SUPREME COURT

CHAPTER 41
CONTINUING LEGAL EDUCATION FOR LAWYERS

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Rule 41.3 Continuing legal education requirement.

41.3(1) Each attorney admitted to practice in this state must complete a minimum of 15 hours of legal education accredited by the commission during each calendar year. The commission is authorized pursuant to guidelines established by the supreme court to determine the number of hours for which credit will be given for particular courses, programs, or other legal education activities. Under rules to be promulgated by the supreme court, an attorney may be given credit in one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited education during any one calendar year.

41.3(2) Beginning January 1, 2021, the 15 hours required by rule 41.3(1) must include a minimum of 1 hour devoted exclusively to the area of legal ethics and 1 hour devoted exclusively to the area of either attorney wellness or diversity and inclusion. Excess hours of education devoted to legal ethics, attorney wellness, and diversity and inclusion can be carried over for purposes of the annual 15-hour requirement under rule 41.3(1) but cannot be carried over for the special legal ethics, attorney wellness, and diversity and inclusion requirements under this rule.

~~**41.3(3)** Up to 6 hours of the 15 hours required by rule 41.3(1) each calendar year may be obtained through completion of unmoderated legal education accredited by the commission.~~

**CHAPTER 31
ADMISSION TO THE BAR**

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CLERK SUPREME COURT

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Rule 31.16 Registration of house counsel.

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31.16(2) Procedure for registering. The lawyer must submit to the office of professional regulation the following:

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i. An affidavit from the lawyer attesting as follows:

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(7) The ~~entity-lawyer~~ will promptly notify the Client Security Commission of the termination of the lawyer's employment.

j. Any other document the supreme court requires to be submitted.

31.16(3) Scope of authority of registered lawyer.

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c. A lawyer registered under this rule must:

(1) File an annual statement and pay the annual disciplinary fee as Iowa Court Rules 39.5 and 39.8 require. Beginning calendar year 2021, the lawyer must pay the regular assessment as required by Iowa Court Rule 39.6(2) as well as any special assessments required by Iowa Court Rule 39.6(4)(a).

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31.16(6) Reinstatement. A registered lawyer whose registration is terminated under rule 31.16(5)(a) may be reinstated within 180 days of termination upon submission to the office of professional regulation all of the following:

a. An application for reinstatement in a form the office of professional regulation prescribes.

b. A reinstatement fee in the amount of \$100.

c. ~~An affidavit~~ Affidavits from the current employing entity and the lawyer as prescribed in rule-rules 31.16(2)(h) and (i).

~~e.d.~~ Current versions of the documents and certificates required in rules 31.16(2)(e)-(g).

31.16(7) Reapplication. Any lawyer seeking to register as house counsel who has previously been registered under this rule and who has not sought timely

reinstatement under rule 31.16(6) must submit everything contained within rule 31.16(2) for each subsequent registration.

31.16(7)(8) Sanctions. A lawyer under this rule who fails to register will be:

- a. Subject to professional discipline in this state.
- b. Ineligible for admission on motion in this state.
- c. Referred by the office of professional regulation to the Iowa Supreme Court Attorney Disciplinary Board.
- d. Referred by the office of professional regulation to the disciplinary authority of the jurisdictions of licensure, United States or foreign.

31.16(8)(9) Court's discretion. The supreme court has the discretion to grant or deny an application or to revoke a registration. The court may procure the character investigation services of the National Conference of Bar Examiners, at the lawyer's expense, in any matter in which substantial questions regarding the lawyer's character or fitness to practice law are implicated. The character investigation services will be procured for all foreign lawyer applicants at the applicants' expense. The director of the office of professional regulation must issue a certificate of registration upon the supreme court's approval of the application.

31.16(9)(10) Duration of registration—credit toward admission on motion.

a. *Domestic lawyer.* A domestic lawyer may practice law in Iowa under this registration provision for a period of up to five years. If the lawyer intends to continue practicing law in Iowa, the lawyer must, prior to the expiration of the five-year period, apply for admission on motion. See Iowa Ct. R. 31.12. The filing of the application within the five-year period extends the registration period until the lawyer is admitted or the application is denied. registered under this rule may remain in house counsel status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination, by transferred UBE score pursuant to rule 31.4, or without examination pursuant to rules 31.12 and 31.13. The period of time the lawyer practices law in Iowa under the registration provisions of this rule may be used to satisfy the duration-of-practice requirement under rule 31.12(3)(a).

b. *Foreign lawyer.* A foreign lawyer registered under this rule is not subject to the five-year limit on house counsel practice and may remain in that house counsel status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination. The foreign lawyer is not eligible for admission on motion based on practice while registered in Iowa. The foreign lawyer may either remain as house counsel or may attempt to establish academic equivalency allowing the lawyer to sit for the

Iowa bar examination. A foreign lawyer seeking to take the bar examination must:

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31.16(10)(11) *Lawyers registered under prior version of this rule. A lawyer registered under the prior version of this rule is not required to register again or pay the registration fee. The adoption of this rule does not affect any existing five-year period for terminating registration as house counsel and applying for admission on motion. That date will run from the date of the lawyer's registration as house counsel. Any lawyer who is currently registered under a prior version of this rule is no longer subject to the five-year period for terminating registration as house counsel. All other provisions of this rule apply.*

31.16(11)(12) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue.*

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31.16(12)(13) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission.*

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31.16(13)(14) *Denial of application or suspension of registration for failure to comply with a support order.*